

**BEFORE THE STATE BOARD OF MEDIATION  
STATE OF MISSOURI**

INTERNATIONAL ASSOCIATION OF  
FIRE FIGHTERS, LOCAL NO. 1055,  
AFL-CIO,

Petitioner,

vs.

THE CITY OF COLUMBIA, MISSOURI,

Respondent.

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Public Case No. 77-008

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND DECISION**

**FINDINGS OF FACT**

This case appears before the State Board of Mediation upon International Association of Fire Fighters, Local No. 1055, AFL-CIO, (hereinafter referred to as "Petitioner"), filing a Petition for Certification for exclusive representation of all Fire Department employees of the City of Columbia, Missouri, (hereinafter referred to as "City"), but excluding unclassified positions and the top level of classified service in the Department.

The State Board of Mediation has jurisdiction to hear and decide this matter pursuant to Section 105.525, RSMo. 1969, which states in pertinent part:

"Issues with respect to appropriations of bargaining units and majority representative status shall be resolved by the state board of mediation."

A hearing was conducted by a quorum of the Board at the Cole County Courthouse, Jefferson City, Missouri, at which time the following evidence was adduced and made a part of the record:

The Fire Department of the City is composed of the following positions: Fire Chief; five Battalion Chiefs; Fire Marshall; nine Fire Captains; nineteen Fire Lieutenants;

thirty-three individuals who are classified as wither Fire Engineer, Fire Arms Operator or Inspector; and thirty-two Firefighters. These individuals are stationed at six firehouses located throughout the City.

The City has objected to the inclusion in an appropriate unit the positions of Fire Chief, Battalion Chief, Fire Marshall, Fire Captain and Fire Lieutenant for the reason that these individuals constitute supervisory personnel and, therefore, do not share a clear and identifiable community of interest among the employees concerned.

The parties have agreed that all classifications below that of a Fire Lieutenant, which include Firefighter, Fire Engineer, Fire Arms Operator, and Inspector be included in an appropriate unit. Furthermore, the parties have agreed that all positions above that of a Fire Captain (namely the Fire Chief and Battalion Chief) be excluded from an appropriate unit. We will not address ourselves to the duties and responsibilities of the aforementioned agreed upon positions. A description of the classifications in dispute, Fire Captain and Fire Lieutenant, is set forth in separate paragraphs in this decision.

#### Fire Captain

A Fire Captain is an officer of the Fire Department, one rank below a Battalion Chief. He functions as a station commander at Fire Station Nos. 1, 2 and 3, and in this capacity he is in charge of a fire company -- a fire company being comprised of an engine company and a ladder company. Fire Station No. 1, headquarters, houses a Battalion Chief, Captain, Lieutenant, and three Firefighters, during a regular twenty-four hour shift. Fire Station Nos. 2 and 3, each house a Captain, Lieutenant, and six Firefighters, during a twenty-four hour shift.

The Captain responds to alarms and directs fire fighting and related life and property protection until relieved by a superior officer; supervises the upkeep of stations and grounds; trains and drills station personnel in all phases of fire fighting in

accordance with a department-wide program; inspects and tests fire equipment; keeps a log and other periodic and special activity records; and evaluates personnel under his direct supervision.

### Fire Lieutenant

A Fire Lieutenant is an officer of the Fire Department, one rank below a Captain. At the multi-company stations, Nos. 1,2 and 3, a Lieutenant's work is performed under the general supervision of a Fire Captain. While at a single company station, Nos. 4, 5 and 6, a Lieutenant is directly responsible to the Battalion Chief.

A Lieutenant responds to fire and other emergency fire alarms; directs work of subordinates pending arrival of a superior officer; supervises the laying of hoses; raising and placing of ladders; direction of water streams; rescue of persons; clean-up operations; inspects personnel and maintains discipline; maintains necessary records concerning station personnel, activities and equipment; evaluates personnel under his direct supervision.

## **CONCLUSIONS OF LAW**

Section 105.525 RSMo. 1969 states:

"Issues with respect to appropriateness of bargaining units and majority representative status shall be resolved by the state board of mediation..."

Appropriate unit is defined in Section 105.500 (1) RSMo. 1969 as:

"... a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned."

It is the position of this Board that supervisors cannot be included in the same bargaining unit as the employees whom they supervise, because of a lack of community of interest. Therefore, it is necessary to make a determination as to whether the positions of Fire Captain and Fire Lieutenant are supervisor. In the cases of Western

Missouri Public Employees, Local 1812 and Missouri State Council 72, AFSCME vs. Jackson County, Missouri (Department of Corrections), Public Case No. 90, and St. Louis Fire Fighters Association, Local 73, IAFF, AFL-CIO vs. City of St. Louis, Missouri, Public Case No. 76-013, this Board set forth the factors which are considered in determining whether an employee is a supervisor. They are as follows:

1. The authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees.
2. The authority to direct and assign the work force.
3. The number of employees supervised, and the number of other persons exercising greater, similar or lesser authority over the same employees.
4. The level of pay, including an evaluation of whether the supervisor is paid for his skill or for his supervision of employees.
5. Whether the supervisor is primarily supervising an activity or is primarily supervising employees.
6. Whether the supervisor is a working supervisor or whether he spends a substantial majority of his time supervising employees.
7. The amount of independent judgment and discretion exercised in the supervision of employees.

#### Fire Captain

The position of Fire Captain is not supervisory in nature as defined by this Board for the reasons that the Captain does not effectively recommend the hiring, promotion, transfer or discharge of an employee, he merely reports to his superiors - orders, decisions, and discretion come from the Chief or Battalion Chief. The work assignments which the City alleges are supervisory are in fact routine having been performed in the same manner for a number of years. The Captain primarily supervises a work activity rather than employees. The competent and substantial evidence upon the whole record indicates that the Captain functions as a leadsman or working supervisor rather than

one who supervises employees, and has limited independent judgment and discretion in supervision of said employees.

On the other hand, the Fire Captain shares a large measure of interest with the employees within the unit. He is assigned to a twenty-four hour shift, performs similar duties, and resides in the same quarters as the other firefighters.

#### Fire Lieutenant

The competent and substantial evidence clearly indicates that the position of Fire Lieutenant is not supervisory. He has no authority to effectively recommend the hiring, promotion or transfer or discharge of employees. The position of Lieutenant at Fire Station Nos. 5 and 6 is analogous to that of a Captain at Fire Station Nos. 1, 2 and 3, in that they report directly to the Battalion Chief; primarily supervise an activity rather than employees; and have little independent judgment and discretion in the supervision of employees. The Fire Lieutenants also share a community of interest with the employees within the unit.

#### DECISION

It is the decision of this Board that the following unit for the Fire Department of the City of Columbia, Missouri be deemed appropriate:

All employees of the Fire Department of Columbia, Missouri including the positions of Fire Fighter, Fire Engineer, Fire Arms Operator, Inspector, Lieutenant, and Captain, but excluding the positions of Fire Marshall, Battalion Chief, and Fire Chief.

#### DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the Chairman of the State Board of Mediation among the employees in the unit found appropriate, as early as possible, but not later than thirty (30) days from the date below. The exact time and place will be set forth in the notice of election to be issued subsequently, subject to the

Board's rules and regulations. Eligible to vote are those in the unit who were employed during the payroll period immediately preceding the date below, including employees who did not work during that period, because they were out ill or on vacation. Ineligible to vote are employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date. Those eligible shall vote whether (or not) they desire to be represented for the purpose of exclusive recognition by International Association of Fire Fighters, Local No. 1055, AFL-CIO.

It is hereby ordered that the District shall submit to the Chairman of the State Board of Mediation, as well as to the petitioner, within seven (7) days from the date of receipt of this decision, an alphabetical list of the employees in the unit determined above to be appropriate who were employed during the designated payroll period.

Dated this 18th day of April, 1978.

MISSOURI STATE BOARD OF MEDIATION

(SEAL)

/s/ Michael Horn  
Michael C. Horn, Chairman

/s/ Stanley Cox  
Stanley Cox, Employer Member

/s/ Robert Missey  
Robert Missey, Employee Member